IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6303 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ZOHRA ANUVARHUSSAIN MOMIN

Versus

MINISTRY OF EXTERNAL AFFAIRS

Appearance:

MR KM PARIKH for Petitioner

MR JS YADAV for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 22/09/2000

ORAL JUDGEMENT

Rule. Mr.J.S.Yadav, Ld.Additional Central Govt.Standing Counsel waives service of rule for respondent.

2. In this petition under Article 226 of the

Constitution of India, the petitioner has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to correct the mistake in the petitioner's passport regarding the place of birth.

3. Earlier, the petitioner was granted passport stating that she was born at Ujjain. However, when the petitioner applied for visa to go to the USA, the petitioner was required to give birth certificate and hence when the petitioner made enquiries, the petitioner learnt that the petitioner was born at Ahmedabad but the birth was not recorded in the birth register at Ahmedabad. The petitioner thereafter approached the Court of Learned Metropolitan Magistrate, Ahmedabad who passed order dated 7.2.2000 directing that the petitioner's birth on 11.8.1933 be recorded in the birth register at Ahmedabad. Accordingly, a birth certificate came to be issued by the Ahmedabad Municipal Corporation mentioning that the petitioner was born at Ahmedabad on 11.8.1933. The petitioner, thereafter, requested the Regional Passport Officer, Ahmedabad to make correction in the petitioner's passport regarding the place of birth. Since the said request was not acceeded to, the petitioner has approached this Court.

4. Having heard the learned counsel for the parties, and in the facts and circumstances of the case, it is directed that the Regional Passport Officer, Ahmedabad shall consider the petitioner's application for correction in the passport regarding place of birth on the basis of the material which may be produced before the authority including the birth certificate issued by the Ahmedabad Municipal Corporation(annexure "A" to the petition) showing that the petitioner was born at Ahmedabad on 11.8.1933, as expeditiously as possible and preferably within one month from the date of receipt of the writ of this Court or a certified copy of this judgment, whichever is earlier.

In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

6. Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition, which are quantified at Rs.1,000/-, to the respondent within three weeks from today. Direct service

is permitted.

22.9.2000 (M.S.SHAH,J)